

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 574**

Citations Affected: IC 6-9-2; IC 6-9-2.5.

Synopsis: Local taxes. Requires the Lake County convention and visitor bureau to establish an alternate revenue fund consisting of all money (other than innkeeper's tax revenue) received by the bureau after June 30, 2005. Provides that the bureau is not required to submit a budget to the county council with respect to either the alternate revenue fund or the existing convention, tourism, and visitor promotion fund. Specifies that all members of the bureau serve for terms of three years. Legalizes and validates the participation of the employees of the bureau in insurance programs established by the Lake County government for the employees of the bureau. Extends the distribution of a portion of the Vanderburgh County innkeeper's tax to the convention center operating fund. Provides that the amount of innkeeper's tax revenue deposited in the tourism capital improvement fund increases to the amount generated by a 2.5% innkeeper's tax rate in 2010 (rather than a 3.5% rate beginning in 2006). Eliminates obsolete text in the Vanderburgh County innkeeper's tax law. **(This conference committee report: (1) removes the Vanderburgh County supplemental auto rental excise tax; and (2) removes the Hendricks County innkeeper's tax.)**

Effective: Upon passage; July 1, 2005; December 31, 2005.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 574 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 6-9-2-2 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The revenue received by the
- 4 county treasurer under this chapter shall be allocated to the Lake
- 5 County convention and visitor bureau, Indiana University-Northwest,
- 6 Purdue University-Calumet, municipal public safety departments,
- 7 municipal physical and economic development divisions, and the cities
- 8 and towns in the county as provided in this section. Subsections (b)
- 9 through (g) do not apply to the distribution of revenue received under
- 10 section 1 of this chapter from hotels, motels, inns, tourist camps, tourist
- 11 cabins, and other lodgings or accommodations built or refurbished after
- 12 June 30, 1993, that are located in the largest city of the county.
- 13 (b) The Lake County convention and visitor bureau shall establish a
- 14 convention, tourism, and visitor promotion fund (**referred to in this**
- 15 **chapter as the "promotion fund"**). The county treasurer shall transfer
- 16 to the Lake County convention and visitor bureau for deposit in **this the**
- 17 **promotion** fund thirty-five percent (35%) of the first one million two
- 18 hundred thousand dollars (\$1,200,000) of revenue received **from the**
- 19 **tax imposed** under this chapter in each year. **The promotion fund**
- 20 **consists of:**
- 21 (1) **money in the promotion fund on June 30, 2005;**
- 22 (2) **revenue deposited in the promotion fund under this**
- 23 **subsection after June 30, 2005; and**

(3) investment income earned on the promotion fund's assets.

Money in ~~this the~~ **promotion** fund may be expended only to promote and encourage conventions, trade shows, special events, recreation, and visitors within the county. Money may be paid from the **promotion** fund by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.

(c) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received **from the tax imposed** under this chapter in each year. During each year, the county treasurer shall transfer to Indiana University-Northwest forty-four and thirty-three hundredths percent (44.33%) of the revenue received under this chapter for that year to be used as follows:

(1) Seventy-five percent (75%) of the revenue received under this subsection may be used only for the university's medical education programs.

(2) Twenty-five percent (25%) of the revenue received under this subsection may be used only for the university's allied health education programs.

The amount for each year shall be transferred in four (4) approximately equal quarterly installments.

(d) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received **from the tax imposed** under this chapter in each year. During each year, the county treasurer shall allocate among the cities and towns throughout the county nine percent (9%) of the revenue received under this chapter for that year. The amount of each city's or town's allocation is as follows:

(1) Ten percent (10%) of the revenue covered by this subsection shall be transferred to cities having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Ten percent (10%) of the revenue covered by this subsection shall be transferred to cities having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) Ten percent (10%) of the revenue covered by this subsection shall be transferred to cities having a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) Five percent (5%) of the revenue covered by this subsection shall be transferred to each town and each city not receiving a transfer under subdivisions (1) through (3).

The money transferred under this subsection may be used only for economic development projects. The county treasurer shall make the transfers on or before December 1 of each year.

(e) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received **from the tax imposed** under this chapter in each year. During each year, the county treasurer shall transfer to Purdue University-Calumet nine percent (9%) of the revenue received under this chapter for that year. The money received by Purdue University-Calumet may be used by the university only for nursing education programs.

(f) This subsection applies to the first one million two hundred thousand dollars (\$1,200,000) of revenue received **from the tax imposed** under this chapter in each year. During each year, the county treasurer shall transfer two and sixty-seven hundredths percent (2.67%) of the revenue received under this chapter for that year to the following cities:

(1) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Fifty percent (50%) of the revenue covered by this subsection shall be transferred to cities having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

Money transferred under this subsection may be used only for convention facilities located within the city. In addition, the money may be used only for facility marketing, sales, and public relations programs. Money transferred under this subsection may not be used for salaries, facility operating costs, or capital expenditures related to the convention facilities. The county treasurer shall make the transfers on or before December 1 of each year.

(g) This subsection applies to the revenue received **from the tax imposed** under this chapter in each year that exceeds one million two hundred thousand dollars (\$1,200,000). During each year, the county treasurer shall distribute money in the **promotion** fund as follows:

(1) Eighty-five percent (85%) of the revenue covered by this subsection shall be deposited in the convention, tourism, and visitor promotion fund. The money deposited in the fund under this subdivision may be used only for the purposes for which other money in the fund may be used.

(2) Five percent (5%) of the revenue covered by this subsection shall be transferred to Purdue University-Calumet. The money received by Purdue University-Calumet under this subdivision may be used by the university only for nursing education programs.

(3) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's medical education programs.

(4) Five percent (5%) of the revenue covered by this subsection shall be transferred to Indiana University-Northwest. The money received by Indiana University-Northwest under this subdivision may be used only for the university's allied health education programs.

(h) The county treasurer may estimate the amount that will be received under this chapter for the year to determine the amount to be transferred under this section.

(i) This subsection applies only to the distribution of revenue received **from the tax imposed** under section 1 of this chapter from hotels, motels, inns, tourist camps, tourist cabins, and other lodgings or accommodations built or refurbished after June 30, 1993, that are located in the largest city of the county. During each year, the county

1 treasurer shall transfer:

2 (1) seventy-five percent (75%) of the revenues under this
3 subsection to the department of public safety; and

4 (2) twenty-five percent (25%) of the revenues under this subsection
5 to the division of physical and economic development;
6 of the largest city of the county.

7 (j) The Lake County convention and visitor bureau shall assist the
8 county treasurer, as needed, with the calculation of the amounts that
9 must be deposited and transferred under this section.

10 SECTION 2. IC 6-9-2-3 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) For purposes of this section,
12 the size of a political subdivision is based on the population determined
13 in the last federal decennial census.

14 (b) A convention and visitor bureau having fifteen (15) members is
15 created to promote the development and growth of the convention,
16 tourism, and visitor industry in the county.

17 (c) The executives (as defined by IC 36-1-2-5) of the eight (8) largest
18 municipalities (as defined by IC 36-1-2-11) in the county shall each
19 appoint one (1) member to the bureau. The legislative body (as defined
20 in IC 36-1-2-9) of the two (2) largest municipalities in the county shall
21 each appoint one (1) member to the bureau.

22 (d) The county council shall appoint two (2) members to the bureau.
23 One (1) of the appointees must be a resident of the largest township in
24 the county, and one (1) of the appointees must be a resident of the
25 second largest township in the county.

26 (e) The county commissioners shall appoint two (2) members to the
27 bureau. Each appointee must be a resident of the fifth, sixth, seventh,
28 eighth, ninth, tenth, or eleventh largest township in the county. These
29 appointees must be residents of different townships.

30 (f) The lieutenant governor shall appoint one (1) member to the
31 bureau.

32 (g) One (1) of the appointees under subsection (d) and one (1) of the
33 appointees under subsection (e) must be members of the political party
34 that received the highest number of votes in the county in the last
35 preceding election for the office of secretary of state. One (1) of the
36 appointees under subsection (d) and one (1) of the appointees under
37 subsection (e) must be members of the political party that received the
38 second highest number of votes in the county in the election for that
39 office. No appointee under this section may hold an elected or
40 appointed political office while he serves on the bureau.

41 (h) In making appointments under this section, the appointing
42 authority shall give sole consideration to individuals who shall be
43 knowledgeable and interested in at least one (1) of the following
44 businesses in the county:

- 45 (1) Hotel.
- 46 (2) Motel.
- 47 (3) Restaurant.
- 48 (4) Travel.
- 49 (5) Transportation.
- 50 (6) Convention.
- 51 (7) Trade show.

(i) All terms of office of bureau members begin on July 1. ~~Initial appointments of the county council are for one (1) year terms; initial appointments of the county commissioners are for two (2) year terms; initial appointments of the municipal executives and legislative bodies are for three (3) year terms; with all subsequent appointments for three (3) year terms. All appointments of the lieutenant governor are for three (3) year terms.~~ **Members of the bureau serve terms of three (3) years.** A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the appointing authority shall appoint a qualified person to serve for the remainder of the term. If an appointment is not made before July 16 or a vacancy is not filled within thirty (30) days, the member appointed by the lieutenant governor under subsection (f) shall appoint a qualified person.

(j) A member of the bureau may be removed for cause by ~~his the~~ **member's** appointing authority.

(k) Members of the bureau may not receive a salary. However, bureau members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

(l) Each bureau member, before entering ~~his the member's~~ duties, shall take an oath of office in the usual form, to be endorsed upon ~~his the member's~~ certificate of appointment and promptly filed with the clerk of the circuit court of the county.

(m) The bureau shall meet after July 1 each year for the purpose of organization. The bureau shall elect a chairman from its members. The bureau shall also elect from its members a vice chairman, a secretary, and a treasurer. The members serving in those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve until their successors are elected and qualified. A majority of the bureau constitutes a quorum, and the concurrence of a majority of those present is necessary to authorize any action.

(n) If the county and one (1) or more adjoining counties desire to establish a joint bureau, the counties shall enter into an agreement under IC 36-1-7. In the absence of such an agreement, the bureau may not expend funds to promote activities in any other county.

SECTION 3. IC 6-9-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The bureau may:

- (1) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions that the bureau considers necessary and desirable;
- (2) sue and be sued;
- (3) enter into contracts and agreements;
- (4) make rules necessary for the conduct of its business and the accomplishment of its purposes;
- (5) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under subdivision (6);
- (6) after its approval of a proposal, transfer money from the **promotion fund established under section 2 of this chapter or from the alternate revenue fund** to any Indiana ~~not-for-profit~~ **nonprofit** corporation to promote and encourage conventions, trade shows, visitors, or special events in the county;
- (7) require financial or other reports from any corporation that

receives funds under this chapter;

(8) enter into leases under IC 36-1-10 for the construction, acquisition, and equipping of a visitor center; and

(9) exercise the power of eminent domain to acquire property to promote and encourage conventions, trade shows, special events, recreation, and visitors within the county.

(b) All expenses of the bureau shall be paid from the **promotion fund. established under section 2 of this chapter. Before September 1 of each year,** the bureau shall ~~annually~~ prepare a budget **for expenditures from the promotion fund during the following year,** taking into consideration the recommendations made by a corporation qualified under subsection (a)(6). ~~and submit it to the county council for its review and approval. After its approval of the budget, the county council shall make an appropriation from the fund in accordance with that budget.~~

(c) All money ~~coming into possession of the bureau in the promotion fund~~ shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money ~~coming into possession of the bureau in the promotion fund~~ is subject to audit and supervision by the state board of accounts.

SECTION 4. IC 6-9-2-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.3. (a) The Lake County convention and visitor bureau shall establish a convention, tourism, and visitor promotion alternate revenue fund (referred to in this chapter as the "alternate revenue fund"). The bureau may deposit in the alternate revenue fund all money received by the bureau after June 30, 2005, that is not required to be deposited in the promotion fund under section 2 of this chapter, including appropriations, gifts, grants, membership dues, and contributions from any public or private source.**

(b) **The bureau may, without appropriation by the county council, expend money from the alternate revenue fund to promote and encourage conventions, trade shows, visitors, special events, sporting events, and exhibitions in the county. Money may be paid from the alternate revenue fund by claim in the same manner as municipalities may pay claims under IC 5-11-10-1.6.**

(c) **All money in the alternate revenue fund shall be deposited, held, secured, invested, and paid in accordance with statutes relating to the handling of public funds. The handling and expenditure of money in the alternate revenue fund is subject to audit and supervision by the state board of accounts.**

(d) **Money derived from the taxes imposed under IC 4-33-12 and IC 4-33-13 may not be transferred to the alternate revenue fund.**

SECTION 5. IC 6-9-2-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.5. The bureau may enter into an agreement under which amounts deposited in, or to be deposited in, the convention, tourism, and visitor promotion fund under section 2 of this chapter or the alternate revenue fund, or both, are pledged to payment of obligations, including leases entered into under IC 36-1-10,**

issued to finance the construction, acquisition, and equipping of a visitor center to promote and encourage conventions, trade shows, special events, recreation, and visitors within the county.

SECTION 6. IC 6-9-2-4.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.9. With respect to:

(1) bonds, leases, or other obligations to which the bureau has pledged revenues under this chapter; and

(2) bonds issued by a lessor that are payable from lease rentals; the general assembly covenants with the bureau and the purchasers or owners of the bonds or other obligations described in this section that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under this chapter or the money deposited in the ~~convention, tourism, and visitor~~ promotion fund **or the alternate revenue fund** as long as the principal of or interest on any bonds, or the lease rentals due under any lease, are unpaid.

SECTION 7. IC 6-9-2-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. Employees of the convention and visitor bureau created by section 3 of this chapter may participate in the group health insurance, disability insurance, and life insurance programs established:**

(1) by the county government of the county described in section 1 of this chapter; and

(2) for the employees of the convention and visitor bureau.

SECTION 8. IC 6-9-2.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2005]: Sec. 7. (a) The county treasurer shall establish a convention and visitor promotion fund.

(b) The county treasurer shall deposit ~~the following~~ in the convention and visitor promotion fund

~~(1) Before January 1, 2000:~~

~~(A) All of the money received under section 6 of this chapter; if the rate set under section 6 of this chapter is not greater than two percent (2%);~~

~~(B) The amount of money received under section 6 of this chapter that is generated by a two percent (2%) rate; if the rate set under section 6 of this chapter is at least two percent (2%);~~

~~(2) After December 31, 1999, and before January 1, 2003, the amount of money received under section 6 of this chapter that is generated by a two percent (2%) rate;~~

~~(3) After December 31, 2002, the amount of money received under section 6 of this chapter that is generated by a two and one-half percent (2.5%) rate.~~

(c) Money in this fund shall be expended only as provided in this chapter.

(d) The commission may transfer money in the convention and visitor promotion fund to any Indiana nonprofit corporation for the purpose of promotion and encouragement in the county of conventions, trade shows, visitors, or special events. The commission may transfer money under this section only after approving the transfer. Transfers shall be made quarterly or less frequently under this section.

SECTION 9. IC 6-9-2.5-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. (a) The county treasurer shall establish a tourism capital improvement fund.

(b) The county treasurer shall deposit money in the tourism capital improvement fund as follows:

(1) Before January 1, 2000, if the rate set under section 6 of this chapter is greater than two percent (2%), the county treasurer shall deposit in the tourism capital improvement fund an amount equal to the money received under section 6 of this chapter minus the amount generated by a two percent (2%) rate.

(2) After December 31, 1999, and before January 1, 2003, the county treasurer shall deposit in the tourism capital improvement fund the amount of money received under section 6 of this chapter that is generated by a one percent (1%) rate.

(3) After December 31, 2002, and before January 1, ~~2006~~, **2010**, the county treasurer shall deposit in the tourism capital improvement fund the amount of money received under section 6 of this chapter that is generated by a one and one-half percent (1.5%) rate.

(4) After December 31, ~~2005~~, **2009**, the county treasurer shall deposit in the tourism capital improvement fund the amount of money received under section 6 of this chapter that is generated by a ~~three two~~ and one-half percent (~~3.5%~~) **(2.5%)** rate.

(c) The commission may transfer money in the tourism capital improvement fund to:

(1) the county government, a city government, or a separate body corporate and politic in a county described in section 1 of this chapter; or

(2) any Indiana nonprofit corporation;

for the purpose of making capital improvements in the county that promote conventions, tourism, or recreation. The commission may transfer money under this section only after approving the transfer. Transfers shall be made quarterly or less frequently under this section.

SECTION 10. IC 6-9-2.5-7.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.7. (a) The county treasurer shall establish a convention center operating fund.

(b) **Before January 1, 2010**, the county treasurer shall deposit in the convention center operating fund the amount of money received under section 6 of this chapter that is generated by a two percent (2%) rate. Money in the fund must be expended for the operating expenses of a convention center.

~~(c) This section expires January 1, 2006.~~

(c) After December 31, 2009, the county treasurer shall deposit in the convention center operating fund the amount of money received under section 6 of this chapter that is generated by a one percent (1%) rate. Money in the fund must be expended for the operating expenses of a convention center with the unused balance transferred on January 1 of each year to the tourism capital improvement fund.

SECTION 11. [EFFECTIVE UPON PASSAGE] **Actions taken before the effective date of this act that would have been valid**

- 1 **under IC 6-9-2-10, as added by this act, are legalized and validated.**
- 2 **SECTION 12. An emergency is declared for this act.**
(Reference is to ESB 574 as reprinted April 7, 2005.)

Conference Committee Report
on
Engrossed Senate Bill 574

Signed by:

Senator Server
Chairperson

Representative Becker

Senator Lutz L

Representative Avery

Senate Conferees

House Conferees